REMARKS

The Non-Final Office Action, dated October 28, 2008, considered claims 4, 13, 16, and 35-40. Claims 4, 13, 16 and 35-40 were rejected under 35 U.S.C. § 103(a) as being obvious over Kennedy, U.S. Patent No. 6,134,582, (filed May 26, 1998) (hereinafter Kennedy), in view of Ingraham, et al., U.S. Patent No. 7,024,430 (filed Jun. 21, 2002) (hereinafter Ingraham).[1]

By this response, claims 35 and 36 are amended such that claims 4, 13, 16, and 35-40 remain pending.[2] Claims 35 and 36 are independent claims which remain at issue. Support for the amendments may be found within Specification ¶¶ 20-32.[3]

As reflected in the claims, the present invention is directed generally toward a method and a corresponding computer program product for implementing the method which are adapted for use in a computing network comprised of interconnected servers for transferring messages among the servers. The network also comprises a plurality of client side devices for accessing the servers and downloading messages. Claim 1 recites, for instance, in combination with all the elements of the claim, a method which uses client-side tracking to allow a client side device to efficiently determine which messages need to be downloaded for filtering at the client side device. Essentially, most of the filtering operations occur before the messages are downloaded.

The method comprises setting at a client side computing device a filter criteria for new messages and receiving a list that identifies all the messages maintained at a server. The device then retrieves a message store table which contains records identifying each message which has previously met the filter criteria and has been placed in a message store. The device also retrieves a checked table that contains records identifying each message which has been checked against the filter criteria and has not met the filter criteria.

The list that identifies all messages is compared with the message store table and it is determined if the messages have been placed in the message store. The list that identifies all

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[1] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

[2] The amendments and remarks presented herein are consistent with the information presented by telephone by patent attorney Thomas Bonacci (reg. no. 63,368).

[3] Please note that the paragraph numbers are taken from the published application, U.S. Pat. Pub. 2005/0223085 (Oct. 6, 2005). Please also note that the present invention and claims as recited take support from the entire Specification. As such, no particular part of the Specification should be considered separately from the entirety of the Specification.

messages is also compared with the checked table and it is determined if each message has previously been found not to meet the filter criteria.

All messages which do not correspond to a record in the message store table and which do not correspond to a record in the checked table are downloaded so that downloading is limited only to new messages as determined by the message store table and the checked table. Flags for records in the message store table and the checked table are unmarked for records that already correspond to messages identified in the list that have been previously identified in either of the tables.

The newly downloaded messages are checked against the filter criteria and a record is added to the message store table if the filter criteria is met and a record is added to the checked table if the filter criteria is not met.

Notably, the cited prior art fails to teach or suggest retrieving at the client side computing device a message store table that contains records identifying each message which has previously met the filter criteria and has been placed in a message store. The prior art also fails to teach or suggest retrieving at the client side computing device a checked table that contains records identifying each message which has been checked against the filter criteria and has not met the filter criteria.

The prior art also fails to teach or suggest comparing the messages identified in the received list for all messages maintained at the at least one server with the records contained in the message store table and, for each message, determining if the message has been placed in the message store. The prior art also fails to teach or suggest comparing the messages identified in the received list for all messages maintained at the at least one server with the records contained in the checked table and, for each message, determining if the message has been found not to meet the filter criteria.

In view of at least the distinctions noted, the Applicants submit that the prior art fails to teach or suggest all the limitations of the invention as now claimed and therefore a rejection under 35 U.S.C. § 103 would be improper and should be withdrawn. Correspondingly, the Applicants respectfully request favorable reconsideration of the claims as now presented.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the

purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event the Examiner finds any remaining impediment to allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 5th day of February, 2009.

Respectfully submitted,

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